



AGENDA	
Welcome and Introductions	Jim Grech
Transportation	
• Port of Baltimore	Rich Nolan/Richard Russell
• Rail/April 17 Rail Energy Transportation Advisory Meeting	Katie Mills
2024 Coal Priorities	Rich Nolan
Environmental Protection Agency's Coal Plant Strategy	
• Regulations	Tawny Bridgeford
• Federal Energy Regulatory Commission Reliability Review	Richard Russell
• Congressional Oversight	James Young
• State Oversight – Attorneys General	Jerry Mullins
Communications	Conor Bernstein
• Polling	
• White Paper	
Federal Coal Leasing	Katie Sweeney/James Young
Office of Surface Mining Ten Day Notice Rule	Katie Mills
Department of Labor's Black Lung Self-Insurance	Katie Sweeney/MK Kirlin
Adjournment	Jim Grech

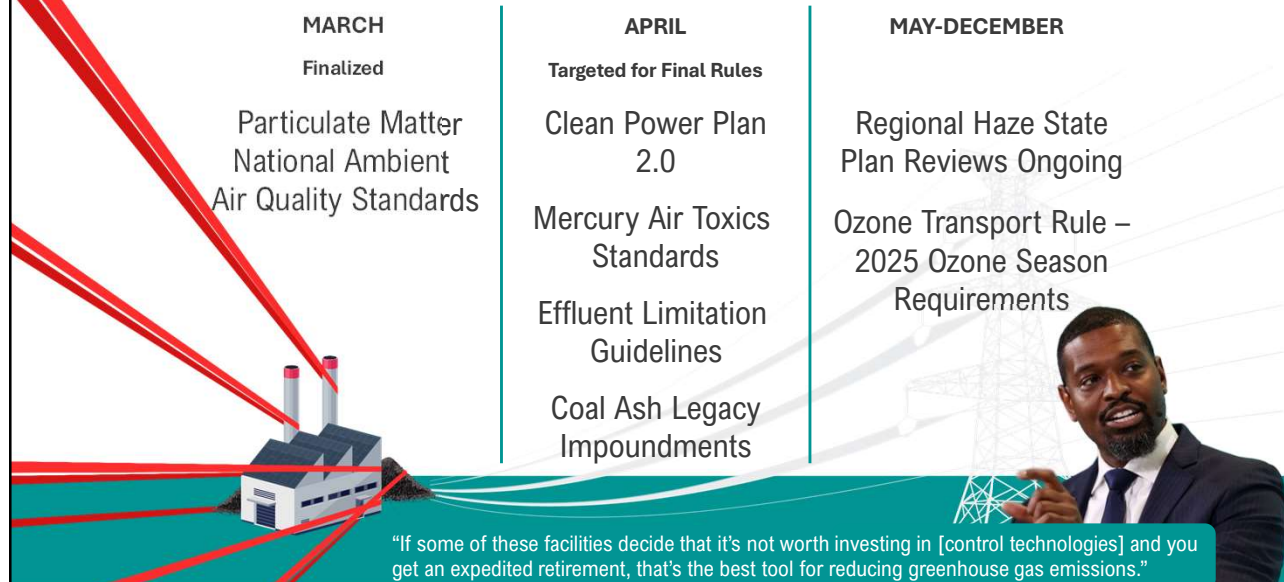
TRANSPORTATION



EPA COAL PLANT STRATEGY



ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY



ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY OZONE TRANSPORT RULE: LITIGATION UPDATE

States Defend Their Permitting Programs:

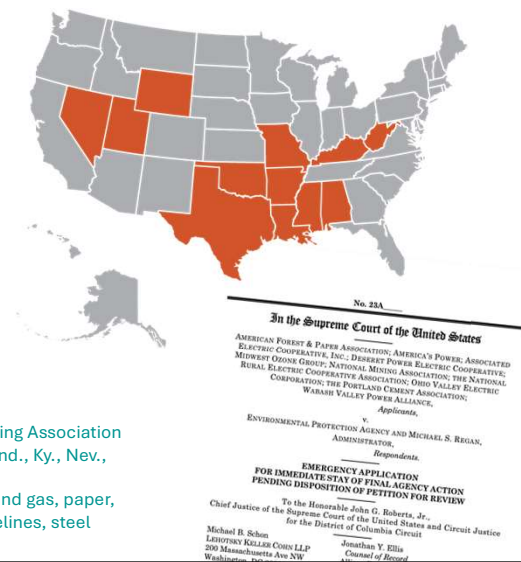
7 regional circuit courts of appeals grant stay motions (10th Cir. transferred venue to D.C. Circuit; Utah and Okla. appealed to the U.S. Supreme Court)

12 state implementation plan disapprovals now stayed, preventing federal plan from taking effect (leaving 11 states in the federal plan)

89% of emissions limits on power plants currently blocked

Legal Challenges on EPA's Federal Implementation Plan:

- D.C. Circuit: Opening briefs filed April 1st
 - U.S. Supreme Court emergency application for stay; oral argument Feb. 21
 - EPA proposing to add five more states to the federal plan
- National Mining Association
Utah, Ohio, Ind., Ky., Nev., W.Va.
- Utilities, oil and gas, paper, cement, pipelines, steel



ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY

PARTICULATE MATTER NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS)

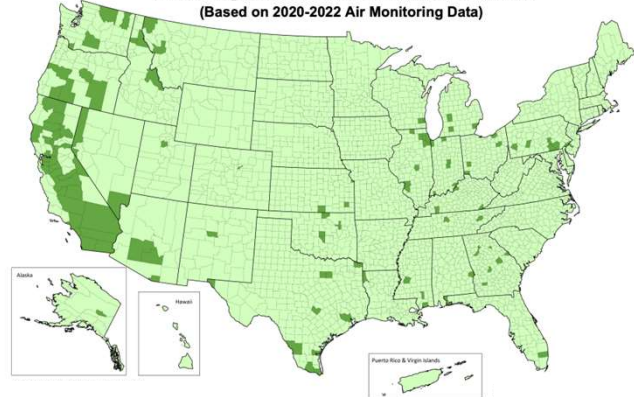
Final Rule Published March 6

- Lowered the annual $PM_{2.5}$ primary NAAQS from $12 \mu\text{g}/\text{m}^3$ to **$9 \mu\text{g}/\text{m}^3$**
- Retained daily $PM_{2.5}$ primary and secondary NAAQS at **$35 \mu\text{g}/\text{m}^3$**
- Retained primary PM_{10} NAAQS at **$150 \mu\text{g}/\text{m}^3$**

NMA Strategy

- Supported coalition comments opposing lowered $PM_{2.5}$ standards
- Filed mining-specific comments on PM_{10}
- Engaging congressional allies on oversight and legislative options (e.g., standalone and appropriations riders)
- On March 6, filed D.C. Circuit lawsuit with seven industry allies

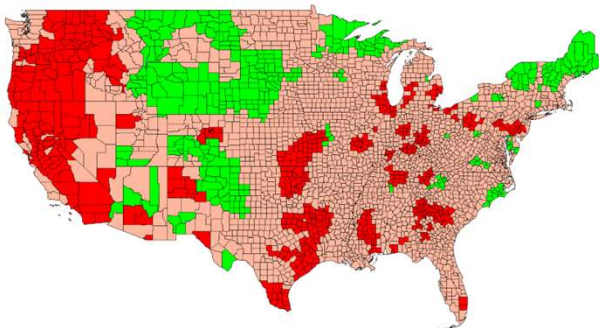
Most Counties with Monitors Already Meet the Strengthened Particle Pollution Standard
(Based on 2020-2022 Air Monitoring Data)



ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY

PARTICULATE MATTER NAAQS: BATTLE OF THE DATA

Industry's Analysis of Immediate Impact $PM_{2.5}$ NAAQS at $9 \mu\text{g}/\text{m}^3$



EPA Projects More than 99% of Counties Would Meet the Revised Fine Particulate Pollution Standard

Projection of Counties with Monitors that Would Not Meet in 2032
(Based on EPA Modeling of Projected 2032 Emissions)



ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY MERCURY AIR TOXICS STANDARDS (MATS)

Residual Risk & Technology Review

- Proposed rule Apr. 23, 2023
 - Lowers the filterable PM standard (from 0.03 to 0.01 lb/mmBTU)
 - Requires continuous emissions monitoring for fPM
 - Reduces mercury standard for lignite by 70 percent
- Undergoing White House interagency review since Feb. 15; NMA meeting April 24
- **EPA targeting April for final rule**

NMA Strategy

- Coordinated with industry trade associations representing lignite energy, rural cooperatives and independent power producers
- Filed detailed comments
- Considering supporting litigation (“friend of the court” brief)



ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY

Coal Ash Regulations

- 54 plants in 19 states depending on Part A extension requests (54.5 GW impacted); litigation ongoing
- All Part B alternate liner demonstration applications preliminarily denied
- Legacy surface impoundment final rule expected this spring expanding number of regulated facilities
- EPA interfering with state permitting programs (e.g., Ala. and Ga.)
- EPA federal permitting rule delayed until March 2026
- National Enforcement and Compliance Initiative since Aug. 2023

Effluent Limitations Guidelines

- Proposed rule published Jan. 2023; final rule undergoing White House interagency review since March 5
- Mandates controls on certain waste streams that are not technologically or economically feasible
- Incentivizes early retirements through a compliance offramp in 2032

NMA Strategy: Coordinating with industry coalitions and congressional oversight

ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY CLEAN POWER PLAN 2.0

- Third attempt to regulate greenhouse gas emissions
- Subcategorizes requirements based on retirement dates
- Selects specific add-on technologies (e.g., CCS)
- Elements of generation-shifting return (e.g., co-firing)
- White House interagency review began March 1; NMA meeting April 25
- Final rule possible in April

FERC Reliability Conference:

"We tried to structure [the rule] so that it provided the features and flexibilities instrumental to ensuring reliability as pollution reductions are achieved."

AP EPA delays rules for existing natural gas power plants until after the November election

CLIMATEWIRE

EPA air chief mulls longer deadlines in embattled power plant rule

Joe Goffman also told attendees of the National Association of Regulatory Utility Commissioners winter conference that they will likely be "surprised" by how the final rule looks compared to the agency's initial proposal.



EPA MISSES THE POINT ON GRID RELIABILITY
The U.S. Environmental Protection Agency (EPA) has picked a winner in the energy markets and, in doing so, the American people will undoubtedly be the losers.

Yesterday, the news broke that existing natural gas power plants will be exempted from the so-called Clean Power Plan 2.0. EPA claims that a new comprehensive rule on existing gas plants will come later, just before – or after – such a rule is implemented in power's plants.

EPA claims its decision is about grid reliability. But, in reality, by keeping unworkable technology mandates in place for the foreseeable future, EPA is leaving the reliability danger in the cards. It is doubling down on the grid's greatest vulnerability.

It's Gas Problems
The flexibility of the natural gas fleet is critically important to balancing the variability of renewable generation, a deeply ingrained capability under most operating conditions. The gas system – from wellhead to power plant – has proven to be extremely susceptible and unreliable during later calls.

The gas system has proven the grid in the verge of disaster – or actual disaster – in the past few years. The gas system's unreliability has caused the grid to be in a state of emergency.

The gas system's unreliability has caused the grid to be in a state of emergency. The gas system's unreliability has caused the grid to be in a state of emergency.



Joseph Goffman

FEDERAL ENERGY REGULATORY COMMISSION RELIABILITY REVIEW



Chairs Rodgers and Duncan Question FERC on Power Plant Retirements and Grid Reliability Issues

Chairs Rodgers, Duncan, and Johnson Warn FERC about Commission's Reliability Conference

Energy and Commerce Committee Leaders Press EPA on Harmful and Unworkable CPP 2.0 Proposal



Capito, Barrasso Ask FERC to Push EPA for Answers on Destructive Power Plan

Capito, Barrasso: FERC Must Fix EPA's Proposed Clean Power Plan 2.0

Capito, Barrasso to EPA: Illegal Proposal to Close Power Plants Will Jeopardize America's Grid, Raise Costs for Consumers



FERC Dives into Reliability Implications of EPA's Power Plant Rule

Ms. Lindsay S. See



The EPA Administrator, Michael S. Regan, signed the following notice on 11/15/2023, and EPA is submitting it for publication in the Federal Register (FR) which we have taken steps to ensure the accuracy of this internet version of the rule. It is not the official version of the rule for purposes of compliance. Please refer to the official version at <https://www.federalregister.gov/documents/2023/11/15/2023-22023-00001> and on Regulations.gov (<https://www.regulations.gov/document/EPA-HQ-OAR-2023-00001>). Once the official version of this document is published in the FR, this version will be removed from the internet and replaced with a link to the official version.

6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2023-0072; FRL-8536-04-OAR]

RIN 2060-AV99

New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units: Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units, and Repeal of the Affordable Clean Energy Rule

Environmental Protection Agency (EPA)
Supplemental notice of public hearing. The Environmental Protection Agency (EPA) is holding a public hearing on the availability of comment on the proposed New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units, and Repeal of the Affordable Clean Energy Rule. The hearing will be held on the following dates: November 15, 2023, at 10:00 a.m. (Eastern Standard Time) in the EPA Conference Room, 136 Constitution Avenue, NE, Washington, DC 20460. For more information, please visit <https://www.epa.gov/hearing>.

Electric Generating Units.
DATES: Comments, Comments Due Date, and After Date of Publication.

ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY CONGRESSIONAL OVERSIGHT

Rep. Newhouse (R-Wash.)

Rep. Westerman (R-Ark.)

Rep. Carter (R-Ga.)

Sen. Tuberville (R-Ala.)

Rep. Fallon (R-Texas)

Rep. Moran (R-Texas)

U.S. SENATE COMMITTEE ON ENVIRONMENT & PUBLIC WORKS

RANKING MEMBER JEREMY MOORE CAPITO

Bad Regulations Ahead: Prepare to Pay an Unprecedented Toll

Biden's 2024 Environmental Agenda and its Road to Ruin

ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY CONGRESSIONAL REVIEW ACT/LEGISLATION

SENATE REPUBLICAN LEADER MITCH MCCONNELL U.S. SENATOR KENTUCKY

Leader McConnell Leads Congressional Effort to Push Back on EPA's Regulatory Overkill

BUDDY CARTER GEORGIA'S 1ST DISTRICT

Subcommittee Chair Carter introduces bill reversing negative impacts of Biden's jobs-killing air quality standards

ROGER WICKER U.S. SENATOR FOR MISSISSIPPI

WICKER LEADS COLLEAGUES IN CHALLENGE TO EPA'S 'GOOD NEIGHBOR RULE'

RICK W. ALLEN MISSISSIPPI'S 1ST DISTRICT

ALLEN LEADS RESOLUTION OF DISAPPROVAL TO OVERTURN BIDEN'S HARMFUL PM 2.5 STANDARDS

JEFF DUNCAN U.S. CONGRESSMAN

Representative Jeff Duncan Introduces the 'Guaranteeing Reliable Infrastructure Development (GRID) Act'



ENVIRONMENTAL PROTECTION AGENCY COAL PLANT STRATEGY STATE OVERSIGHT + ATTORNEYS GENERAL (AG)

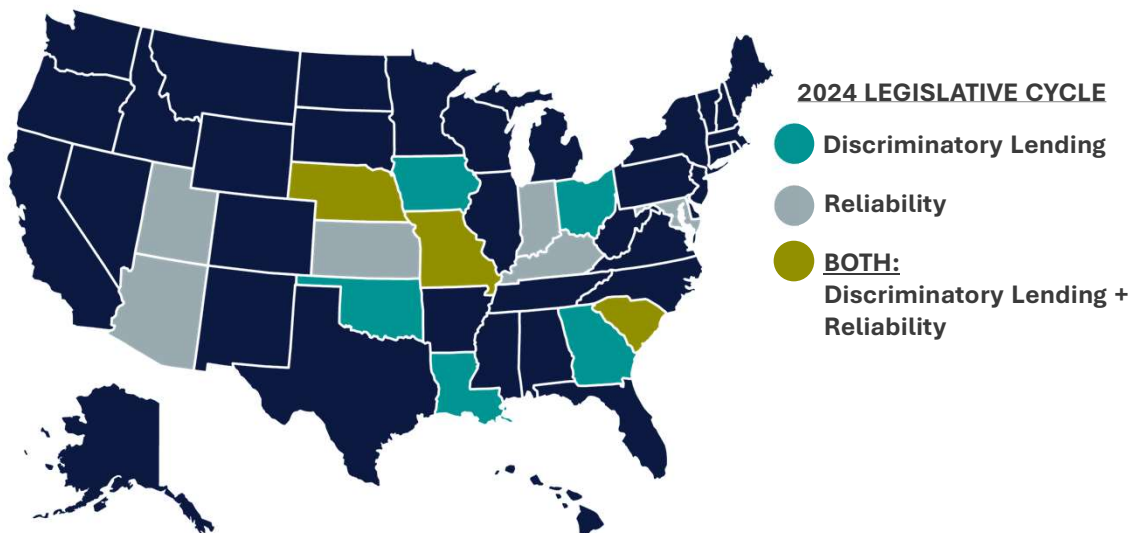


WV Attorney General Patrick Morrisey to Co-Lead lawsuit against EPA



Kentucky sues the EPA over strengthened particle pollution standards

DISCRIMINATORY LENDING



COMMUNICATIONS: POLLING



of Americans support an all of the above energy strategy that includes coal.
An improvement from where we were in 2020 – 72 percent



of Americans are concerned that the rush to transition to renewable energy is going to sacrifice our ability to keep the lights on.
Up from 52 percent last year



of Americans believe we should pause closures of existing, well-operating power plants until replacement generating capacity is in place and operational.
Jumped from 56 percent last year to this year

Q:

When you think of electricity and energy policy, what is most important to you?



AFFORDABLE

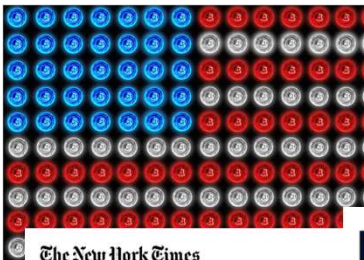


RELIABLE



EMISSIONS FREE/RENEWABLE

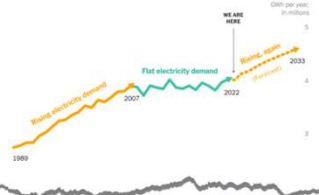
COMMUNICATIONS



The New York Times

A New Surge in Power Use Is Threatening U.S. Climate Goals

A boom in data centers and factories is straining electric grids and propping up fossil fuels.



The Washington Post

Amid explosive demand, America is running out of power

AI and the boom in clean-tech manufacturing are pushing America's power grid to the brink. Utilities can't keep up.

E&ENews
BY POLIRCO

Low-carbon shift raises risk of blackouts, grid execs warn

Snowballing policy and infrastructure issues pose a threat to electric reliability as a greener U.S. economy demands more power.

THE WALL STREET JOURNAL

Big Tech's Latest Obsession Is Finding Enough Energy

The AI boom is fueling an insatiable appetite for electricity, which is creating risks to the grid and the transition to cleaner energy sources

KEY PERFORMANCE
INDICATORS
2024 YTD

OP-EDS
62

SOCIAL MEDIA POSTS
227

BLOGS
17

COMMUNICATIONS GRID WHITE PAPER

THE GRID'S GAS PROBLEM

Natural gas fleet is critically important to balancing the generation, a deeply valuable asset, but the gas system—from wells to pipelines—is highly susceptible and unreliable.

THE ERA OF FLAT POWER DEMAND IS OVER

Amid explosive demand, America is running out of power.

THE GRID RELIABILITY CRISIS COLLIDES WITH SURGING POWER DEMAND

NMA National Mining Association

THE RETIREMENT RISK

"I am extremely concerned about the pace of retirements we are seeing of generators which are needed for reliability on our system. NERC and the grid operators have warned us about this."

CHAIRMAN WILLIE PHILLIPS, FEDERAL ENERGY REGULATORY COMMISSION

NERC cautioned that, "environmental regulations and energy prices that are every year and lack provisions for electric grid reliability have the potential to influence generators to seek short-term profit at the expense of long-term reliability or operating reliability risk."

Jim Frick, president and CEO of NERC, testified to Congress that the energy transition — particularly the retirement of essential capacity — is not happening responsibly. He said, "we must manage the pace of the transformation in an orderly way, which is currently not happening."

Federal Energy Regulatory Commission (FERC) Chairman Willie Phillips, supported by President Biden, told Congress, "I am extremely concerned about the pace of retirements we are seeing of generators which are needed for reliability on our system. NERC and the grid operators have warned us about this."

FERC Commissioner Mark Christie also testified that power plants are being retired at a faster pace than they're being replaced. "The automotive doesn't work," he said. "This problem is coming, it's coming quickly. The red lights are flashing."

Christie added, "I think we need to listen to the engineers, not the lobbyists. As the experts are saying — who know how to operate a system, the people who actually know how to operate a system — are saying this is a huge and coming problem and I think we better be listening to them."

FEDERAL COAL LEASING

NMA Victory in Ninth Circuit Court of Appeals

- Overturned 2022 judicially imposed moratorium
- Remains to be seen how Bureau of Land Management (BLM) responds to order
 - Reimpose a moratorium
 - Continue programmatic Environmental Impact Statement (with/without moratorium)
 - Start processing of pending leases
 - Delay any decision until finish broader administrative review



In a victory for the National Mining Association and the states of Wyoming and Montana, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) today **overturned** a 2022 judicially imposed moratorium on federal coal leasing. The

Administrative Review of Federal Coal Leasing Program

- After Ninth Circuit ruling, BLM is free to legally render decisions on coal leasing applications

De Facto Coal Leasing Moratoriums

- BLM using individual land use or Resource Management Plans to place new limits on federal coal

NMA Legislative Working Group

OVERSIGHT

- Legislation (H.R. 1/SPUR Act)
- Appropriations

OFFICE OF SURFACE MINING TEN DAY NOTICE RULE

Final Rule Published Last Week

- Reverses 2020 rule that significantly improved Ten Day Notice process for violations of Surface Mining Control and Reclamation Act (SMCRA)
- Erodes state regulatory authority in favor of Office of Surface Mining Reclamation and Enforcement (OSMRE) authority over coal mining
- Duplicates state and federal permitting
- Makes it easier for citizen complaints to stop mining

Strategy

- Engage with the Interstate Mining Compact Commission on next steps
- Outreach to state allies



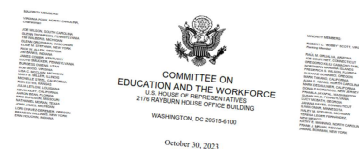
DEPARTMENT OF LABOR (DOL) BLACK LUNG SELF-INSURANCE

FINAL RULE DELAYED

- Expected in Feb. 2024
- Has yet to be sent to the White House for interagency review

FINAL RULE DELAYED

- House Education and the Workforce Committee Oversight Letter to DOL
- House Education and the Workforce Committee Meeting with DOL Office of Workers' Compensation Programs (OWCP)
- Upcoming Oversight Hearing with Acting Secretary of Labor Su



The Honorable Julie A. Su
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Su:

I write to request that the Department of Labor (DOL) engage with coal production industry stakeholders before making final any revisions to regulations concerning coal production companies' self-insurance obligations under the Black Lung Benefits Act of 1972. By doing so, DOL will more faithfully comply with the administrative Procedure Act's obligations to provide a "reasonable and meaningful" opportunity for public participation in its rulemaking. Such greater information will help DOL assess whether changes to the self-insurance program are prudent and notice of proposed rulemaking (NPRM) to revise regulations governing the standards related to self-insurance by coal mine operators.² The NPRM requires that all self-insured coal mine operators post security equal to 120 percent of their projected black lung liabilities. As written, the NPRM's scope would specifically target 16 operators and could increase their costs. Despite meetings with these impacted stakeholders and seems unwilling to consider their concerns about the proposal.

Due to the particularly focused nature of this NPRM, it is critical that the affected stakeholders have their voices heard. Applying increased financial strain on these companies will further change the Black Lung Disability Trust Fund and the economics of states that rely on this mine revenues so that they can continue to support miners who qualify for these benefits. I encourage OWCP to engage with the 16 operators who would be impacted by the NPRM and the trade associations that represent them to reach an outcome that is practicable and sensible.

Sincerely,

Virginia Fox
Chairwoman

COAL CEO MEETING

APRIL 8, 2024

